(71)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

Writ Petition No. 695 of 2004

PETITIONERS

1. (A) Nirmal Ram son of late Kashtu aged about 45 years
1. (B) Mst. Mankuwar Bai widow of late Kastu aged 65 years.
2. Modhak son of Dhuru.
3. Mahaju son of Sodhak
4. Mahanand son of Sodhak
5. Ramsai son of Sodhak. No.2 to 5 through Attorney Holder Nirmal son of late kashtu.

(All are resident of village Chalni, Tahsil Bagicha, Distt. Jashpurnager (Chhattisgarh).

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Collector Jashpur Nager.
2. Collector District Jashpur. Head quarter Jashpur Nager.
3. Divisional officer Revenue Department Bagicha Distt. JashpurNager.
4. Mst. Suksi Bai widow of late Uchit Narayan singh. Village Harradipa.
5. Mst.Mankunwar widow of Uchit Narayan village Sanna.
6. Mst. Maniyaro widow of Uchit Narayan Singh village Harradipa
7. Ajit Narayan Singh son of Uchit Narayan Singh village Harra dipa
8. Udai Narayan Singh son of Uchit Narayan Singh village Harradipa.
9. SarvNarayan Singh grand son of Uchit Narayan Singh village Harradipa.
10. VrindaNarayan Singh grand son of Uchit Narayan Singh village Harradipa.
11. Deep Narayan Singh grand son of Uchit Narayan Singh village Harradipa.

All no 4 to 11 are resident of village Harradipa Police Station Sanna Tahsil Bagicha District Jashpur.

Present: Shri J.S. Baraik, learned counsel for the petitioners.
Shri Vinay Harit, learned Dy. Adv. General for the State.
Shri A.K. Prasad, learned counsel for respondents 5,6,7,9 10 and 11.

ORAL ORDER
(Passed on 4th September, 2006)

This writ petition is directed against the order of the Sub Divisional Officer, Bagicha dated 30.12.1995 passed under Section 170-B of the Chhattisgarh Land Revenue Code 1959, (for short 'the Code'). Against the impugned order, an appeal lies to the jurisdictional Collector under Section 44 of the Code. Furthermore, a revision is also preferred to the Board of Revenue under Section 50 of the Code. The petitioner without exhausting the aforementioned alternative, efficacious as well as comprehensive remedies have straightaway approached this Court under Article 226 of the Constitution.

(2) Having heard learned counsel for the parties, I do not find any extraordinary situation or circumstance which could justify the petitioners to straightaway approach this Court under Article 226 of the Constitution of India without exhausting alternative remedies. On that short ground, the writ petition is dismissed, however, reserving liberty to the petitioners to avail of statutory remedies noted above. No costs.

Sd/-
Chief Justice
Judge